IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

FARAD CONTINUATION SHEET.

CRIMINAL WRIT PETITION NO.2365 OF 2004

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.

Court's or Judge's orders

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Shri Madhav Jamdar for the Petitioner

Ms P.H.Kantharia, A.P.P. for State

CORAM: SMT.RANJANA DESAI & A.S.OKA,JJ.
DATE : DECEMBER 20, 2004.

P.C.:

1. A show cause notice dated 2-5-2001 was issued to the prisoner who is lodged in the Yerawada Central Prison because he surrendered to the prison 991 days after his parole period was over. The petitioner gave his reply to the show cause notice in which he set out certain circumstances due to which he had surrendered late. The Superintendent of Yerawada Central Prison has rejected the explanation of the petitioner and removed the name of the petitioner from the remission register for a period of eight

years.

2. Mr.Jamdar, learned Counsel for the petitioner states that the impugned order dated 12-1-2002 does not indicate that the Superintendent of Yerawada Central Prison has applied his mind to the circumstances set out by the petitioner in his reply, due to which he surrendered late to the prison.

3. This submission appears to be correct. Hence, we set aside the order dated 12-1-2002. We direct the Superintendent of Yerawada Central Prison to consider the petitioner's reply afresh and pass appropriate reasoned order in accordance with law. If a case is made out, the Superintendent of Yerawada Central Prison may consider the petitioner's reply sympathetically. We make it clear that we have not expressed any opinion on the petitioner's case. This order is not to be treated as precedent in all matters.

(SMT.RANJANA DESAI,J.)

(ABHAY S. OKA,J.)